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DATE: October 12, 2004

CLIENT NO.: 50903

FACSIMILE NO.: (703)872.9306

TO: BOX NON-FEE AMENDMENT
Commissioner of Patents and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

FROM: Charles L. Thoeming

NO. OF PAGES: (including this coversheet) Twenty-two (22)

COMMENTS:

Transmitted herewith to be filed in pending U.S. non-provisional patent application serial no. 10/646,582 are: 1) PTO Transmittal Form PTO/SB/21 [1 page]; 2) Amendment and Response to First Office Action under 37 C.F.R. §1.111 [15 pages]; and 3) Declaration of Charles L. Thoeming with attached Exhibit A [copy of Oath and Declaration of Applicant] and Exhibit B [copy of PTO Receipt Postcard] [5 pages], for a total of twenty-two [22] pages counting this coversheet.

Respectfully submitted,


Charles L. Thoeming, Registration No. 43,951

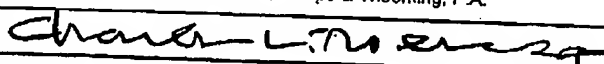
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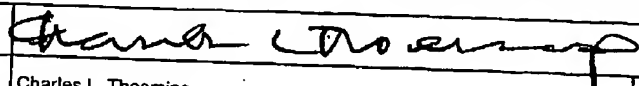
PTO/SB/21 (09-04)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/646,582
	Filing Date	08/22/2003
	First Named Inventor	KEVIN A. TRACY, SR.
	Art Unit	3711
	Examiner Name	MITRA ARYANPOUR
	Attorney Docket Number	50903
Total Number of Pages in This Submission		22

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks 1) Facsimile Coversheet	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Name	CHARLES L. THOEMING/Bielen, Lampe & Thoeming, P.A.
Signature	
Printed name	Charles L. Thoeming
Date	10/12/2004
Reg. No.	43,951

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Signature	
Typed or printed name	Charles L. Thoeming
Date	10/12/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Practitioner's Docket No. 50903

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kevin A. Tracy, Sr.

Application No.: 10/646,582

Group No.: 3711

Filed: 08/22/2003

Examiner: Mitra Aryanpour

For: Method and Apparatus for Training Athletes

RESPONSE UNDER 37 CFR §1.111

BOX NON-FEE AMENDMENT

Commissioner of Patents and Trademarks

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Official Action with a mailing date of 10/04/2004, Applicant hereby respectfully submits this response and amendment and requests reconsideration as set forth below.

Amendment:

In the specification.

Please amend the specification as set forth beginning on page 3 of this correspondence as follows:

amend page 1, line 36 through page 2, line 12 with the amended specification on page 3 of this correspondence;

amend page 8, line 24 through page 9, line 7 with the amended specification on page 4 of this correspondence; and

amend page 10, lines 8 - 11 with the amended specification on page 5 of this correspondence

In the Claims.

Please amend the claims as set forth beginning on page 6 of

this correspondence.

Remarks.

Applicant's remarks begin on page 13 of this correspondence.